

Instructions for Case Study

Case studies require students to analyze problem situations and reach their own conclusions concerning the outcome. Case studies can take many forms: legal cases based on written opinions of courts; hypothetical situations involving some conflict or dilemma; and real-life situations drawn from newspapers, magazines, books, or other sources. While case studies are generally presented in written form, they can also be presented by use of an audiovisual medium such as a movie or tape recording.

Whatever the source of the case, it will usually include the following elements.

- a description of the *facts*
- a statement of the issue or problem posed by the case, a reference to the *arguments* or various positions that can be taken on the issue
- a *decision* or a result on the issue presented
- an explanation of the *reasoning* behind the decision.

Procedure

1. **Select the Case Materials:** Cases may be real or hypothetical, long or short, based on written opinions of a court or derived from an everyday situation.
2. **Review of Facts:** The facts of the case serve as the basis for classroom discussion. Therefore, the inquiry process should be started by carefully reviewing and clarifying all of the facts. Students should be asked the following questions:
 - What happened in this case?
 - Who are the parties?
 - What facts are important? Unimportant?
 - Is any significant information missing?
 - Why did the people involved act the way they did?
3. **Frame the Issue:** Students should pinpoint and discuss the issues or problems presented by the case. The legal issue is the question of *law* on which resolution of the case turns. An issue should be posed in the form of a question. While most cases revolve around a legal issue, students should also consider issues of public policy, values in conflict, and practical reality. For example, a case study involving abortion might involve the following issues:
 - *Legal:* Is abortion legal? If so, under what circumstances?
 - *Public Policy:* Should abortion be legal? Why or why not?
 - *Values in Conflict:* Which value is more important, a woman's right to privacy or an unborn child's right to life? Why?
 - *Practical:* What are the options open to someone faced with an unwanted pregnancy? Where can someone in this situation go for help and advice?
4. **Discuss the Arguments:** Once students have focused on the issues, they should develop and discuss the arguments that can be made for and against each of the various points of view. When discussing the arguments, students should consider questions such as the following:
 - What are the arguments in favor of and against each point of view?
 - Which arguments are most persuasive? Least persuasive? Why?
 - What might be the consequences of each course of action? To the parties? To society?
 - Are there any alternatives?

In discussing the various arguments it is important to foster a climate of acceptance and openness. Students must know that all opinions are welcome and that their ideas will receive a fair hearing and analysis no matter how controversial or touchy the issue. In other words, students should be encouraged to listen to, consider, and evaluate all points of view

5. **Reach a Decision:** A decision is the answer to the issue or issues posed by the case. When students are given the decision, as in a court case, they should be asked to evaluate it.

- Do they agree or disagree with it?
- a statement of the issue or problem posed by the case, a reference to the *arguments* or various positions that can be taken on the issue

What will the decision mean for the parties? For society?

Students might be asked how they would decide a case and why. After the students have reached their own conclusions, the teacher can tell them the actual result or holding in the case, at which point students can compare their own result to that of the court.

6. **Variations:** When conducting a case study, the teacher may wish to try one of the variations on the case method. Typical variations include the following.

- **Giving Students an Entire Case:** (i.e., facts, issues, arguments, decisions, and reasoning). This approach focuses on student identification and comprehension of the facts, issues, arguments, decision, and student evaluation of the decision and the court's reasoning.
- **Giving Students Unmarked Opinions:** (i.e., facts, issues, arguments, and unmarked judicial opinions). Using this approach, students are not told which of the court opinions is the actual holding of the court. Rather they are asked to select the opinion they agree with and explain why. Later they can be given the actual holding and asked to compare their reasoning and result against that of the court.
- **Giving Students Only the Facts:** With this approach, students are asked to identify and formulate the issues, prepare arguments on each side, develop a decision, and then evaluate their issues, arguments, and decision against the actual holding of the court. After giving out only the facts, or the facts and the issue(s), many teachers organize students into "law firms," asking them to develop and rank for persuasiveness the arguments for each side.